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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 RYAN VINCENT FITZPATRICK,
13 individually;

14 Plaintiff,

15 v.

16 KEVIN BERNEZ, individually; DOES I-X;
17 and ROE CORPORATIONS I-X, inclusive,

18 Defendant

2:19-cv-02174-JAD-EJY

**STIPULATION TO EXTEND
DISCOVERY PLAN AND
SCHEDULING ORDER
DEADLINES BY 90 DAYS
1ST REQUEST**

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20 Pursuant to Local Rule IA 6-1 and II 26-4, Defendant Kevin Bernez and
21 Plaintiff Ryan Vincent Fitzpatrick, by and through their respective counsel of
22 record, stipulate to a 90 day extension of the following designated deadlines. This
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1 is the first such request for an extension of discovery, and it is entered in good faith
2 without any intent to delay.

3 **I. Introduction**

4 Since the entry of the initial scheduling order, the COVID-19 pandemic set
5 in, requiring certain discovery activities be postponed. Namely, the inspection of
6 plaintiff's vehicle was set to occur on March 26, 2020, but could not be conducted
7 due to concerns over a potential violation of Governor Sisolak's business closure
8 order and concerns by some of the participants that the travel could expose them to
9 the virus. Defendant also planned to set the plaintiff's deposition, but declined to
10 do so under the present circumstances. Currently, the business closure order will
11 last at least 6 weeks and the current end-date of April 30, 2020, is far from certain.
12 Therefore, the parties request a 90 day continuance to all pending deadlines.

13 **II. Discovery Status**

14 **a. Discovery that has been Completed:**

- 15 1. Defendant propounded interrogatories and requests for
16 production on Plaintiff, who responded on March 31, 2020.

17 **b. Discovery that Remains**

- 18 1. Inspection of plaintiff's vehicle;
- 19 2. Deposition of both parties;
- 20 3. Percipient witness depositions;
- 21 4. Additional written discovery; and
- 22 5. Expert disclosures
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III. Reason for the Requested Extension

The COVID-19 pandemic prohibited the inspection of plaintiff's vehicle from going forward. This inspection was necessary to help determine the speed and angles of impact, which are an important factors in the resolution of this case. Without this information, the parties are unable to make meaningful expert witness disclosures. The pandemic also required depositions to be delayed until such time as they can be taken without undue risk to the participants.

IV. Proposed Schedule

- a. Close of Discovery: The current deadline of June 16, 2020 shall be extended to September 16, 2020.
- b. Amending the pleadings and/or adding parties: The current deadline of March 17, 2020, has passed and shall not be continued.
- c. Interim Status Report: The current deadline of April 17, 2020 shall be extended to July 17, 2020.
- d. Initial Expert Disclosures: The current deadline of April 17, 2020 shall be extended to July 17, 2010, which is sixty days before the proposed discovery closure.
- e. Rebuttal Expert Disclosures: The current deadline of May 15m 2020, shall be extended to August 17, 2020, which is thirty days before the proposed discovery closure.



f. Dispositive Motions: the current deadline of July 17, 2020 shall be extended to October 16, 2020, which is thirty days after the proposed discovery closure.

g. Pre-Trial Order: the joint pre-trial order is currently set to be filed by August 17, 2020, and shall be extended to October 16, 2020.

This date will be continued in the event any dispositive motions are filed and not yet decided by the Court as of October 16, 2020.

All parties agree that the requested 90 day extension of all designated deadlines is necessary to provide all parties times to complete discovery in this matter.

DATED April 6, 2020

DATED April 6, 2020

**CARMAN COONEY FORBUSH
PLLC**

/s/ Sean D. Cooney

**ATKINSON WATKINS &
HOFFMANN, LLP**

/s/ John F. Bemis

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ORDER

IT IS SO ORDERED.

Dated: April 7, 2020


UNITED STATES MAGISTRATE JUDGE